

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
DECEMBER 17, 2008**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Gordon Cross, Frank DeKort, Marc Pitman, Mike Mower, Randy Toavs and Jim Heim. Rita Hall and Gene Dziza had excused absences. Drew Hagemeyer, Alex Hogle, and B J Grieve represented the Flathead County Planning & Zoning Office.

There were approximately 65 people in the audience.

**APPROVAL OF  
MINUTES**

None.

**PUBLIC  
COMMENT  
(not related to  
agenda items)**

George Culpepper Jr. commended Dziza for all he has done for the board and Flathead County.

**GROWTH  
POLICY  
AMENDMENT  
(FPMA 08-03)  
&  
ZONE CHANGE  
(FZC 08-09)**

A request to amend the Bigfork Land Use Plan Map submitted by SNAF, LLC. The applicant wishes to change the zoning designation from C (Commercial) and UR (Urban Residential) to VRC (Village Resort Commercial). The properties are located on the south side of Holt Drive and west of Highway 35.

A Zone Change request in the Bigfork Zoning District by SNAF, LLC, from B-3 (Community Business) on lots 1-3, North Shore Heights and from R-3 (One-Family Limited Residential) on lots 4 and 5 to CVR (Commercial Village Resort). The properties are located on the south side of Holt Drive and west of Highway 35.

**STAFF REPORT**

Alex Hogle reviewed staff reports FPMA 08-03 and FZC 08-09 for the Board.

**BOARD  
QUESTIONS**

Cross asked the reason for the one negative vote from the Bigfork Land Use Committee (*BLUAC*) against the amendment.

Hogle said the Bigfork Steering Committee worked for over a year on the full scale amendment to the Bigfork Neighborhood Plan and had not intended on any zone changes to this corner. The person who voted negatively may be involved in the Steering Committee and voted no for that reason and the reason they felt

the public had not been given enough input in the decision. Planning staff gave adequate public notice.

DeKort mention BLUAC had specific recommendations for the zone change request and wondered if they were appropriate at this time.

Hogle said BLUAC does have concerns about the impact on directly neighboring communities. The zoning requirements had several requirements which would help mitigate the negative impact.

Cross asked if Hogle looked at the application as far as “spot zoning”.

Hogle said it has been looked at and was a topic at BLUAC. The area in question would not meet all three criteria for “spot zoning”.

#### **APPLICANT PRESENTATION**

Narda Wilson, 184 Midway Drive in Columbia Falls, represented the applicant. She went over the history of the applicant’s acquisition of the property. She introduced Louise Tidwell, project coordinator, Arthur Lieberman, owner, and John Thomas with A2Z Engineering, technical advisor. They did public outreach to let people know the project was in the works and to solicit public comment. They went to BLUAC meetings to let the committee know what the plans were. They’ve also had a neighborhood meeting where they explained the overall concept of the project. She pointed out the property, explained how it is situated, and summarized the plan for development. They first approached the project as a zone change from R-3 on two lots to B-3 for community business. There were concerns about what was allowed under B-3 zoning. They then changed their approach to a Village Resort Commercial (VRC) land designation and Commercial Village Resort (CVR) zoning to allow for a higher comfort level with the overall existing vision of the community. She showed a conceptual rendering of what the final project would look like. The goal was to preserve the views already in existence with high quality landscaping, full cutoff lighting, and a high level of architectural integrity. She explained what the overall view would look like. She passed out an article to the board from the Bigfork Eagle which is a synopsis of the Bigfork meeting.

**BOARD  
QUESTIONS**

Cross asked if the current entrance was shown in the rendering.

Wilson said it would be an emergency/secondary access not a primary access.

Mower said if this application is approved, and if for some reason the developers did not finish the project, there would be five lots that could be developed however other potential developers wanted and the existing access would stay where it is.

Wilson said CVR zoning had much less impact than B-3 zoning.

Mower said his concern was the access; specifically the restriction to one access.

Wilson said if it does not get approval, the current access would be the only access and a similar-use business would go in the current place.

**AGENCY  
COMMENTS**

None.

**PUBLIC  
COMMENT**

Gary Simmons, 150 Beach Road (*directly south of the proposed project*), was impressed with what this would do to their neighborhood. One of his concerns was surface water but the engineering firm assured him they had a handle on the situation. He believed it would enhance their neighborhood and encouraged the board to approve the applications.

**APPLICANT  
REBUTTAL**

Louise Tidwell, of SNAF LLC, said the applicant has been thinking through this project for about a year and has attended several local meetings to hear concerns. The goal was to enhance the village feel of Bigfork. The project will have its own internal parking. When the rendering was made, the two properties to the west had not been purchased which is why the entrance appeared in the original location. The plan is to start as soon as next summer and the applicant believed it would be a two-year project and they would continue to listen and involve the community.

**STAFF  
REBUTTAL**

None.

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FPMA 08-03)**

DeKort made a motion seconded by Heim to adopt staff report FPMA 08-03 and to forward a recommendation of approval on a resolution to support FPMA 08-03.

**ROLL CALL TO  
APPROVE  
F.O.F.  
(FPMA 08-03)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO ADOPT  
F.O.F. (FZC 08-09)**

DeKort made a motion seconded by Mower to adopt Staff Report FZC 08-09 as findings-of-fact.

**ROLL CALL TO  
ADOPT F.O.F.  
(FZC 08-09)**

On a roll call vote the motion passed unanimously.

**MOTION TO  
RECOMMEND  
APPROVAL  
(FZC 08-09)**

DeKort made a motion seconded by Hickey-AuClaire to adopt Staff Report FZC 08-09 and recommend approval to the Board of County Commissioners.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FZC 08-09)**

On a roll call vote the motion passed unanimously.

**CREATION OF  
ZONING  
DISTRICT/  
WHITEFISH  
AREA  
(FZD 08-02)**

A Zoning request by Flathead County to create the Whitefish Area Zoning District. A map showing the proposed zoning designations within the new zoning district are available for public review in the Flathead County Planning & Zoning Office, 1035 First Avenue West, in Kalispell.

**STAFF REPORT**

Andrew Hagemeier and BJ Grieve reviewed FZD 08-02 for the board.

**APPLICANT  
PRESENTATION**

*Flathead County is applicant.*

**AGENCY  
COMMENTS**

Dave Taylor, Whitefish Planning Director, stated the line between Whitefish zoning and Flathead County zoning should be evaluated to take into account the extension of services such as sewer. He discussed the history of the different areas in Whitefish zoning territories. Territorial zoning would allow

Whitefish to look at orderly annexation of subdivisions if there are adequate services available. By reducing Whitefish's influence, it could become problematic in the future for people who wanted to subdivide or annex into the city. The changes in proposed zoning along the scenic corridors, and areas outside of the city, remove character requirements put in place by the city. Whitefish had planned and zoned outside the city limits for no cost and no taxes on the residents. If the county provided the same level of service Whitefish had, they might be required to raise taxes on residents. He is concerned the zoning districts were based on an old, outdated master plan from 1996 rather than the 2007 plan. He is also concerned that the recommended zoning was put together with no input from the Whitefish City-County Planning Board. The issue that concerns him is the impacts on the private property owners' rights within the 750 acres changed in the zoning area. Lien holders on properties were not notified during this process. Many property owners may be required to annex into the city to maintain their property rights at a great cost. There has been little notification of changes in zoning to property owners who have been affected. He felt there were several discrepancies in following the 1996 master plan in regards to agricultural zoning. He spoke on behalf of property owners at the corner of Hwy 40 and Dillon Road. He asked the board to look at the creation of a new zoning designation and to take into account the business district zoning currently in place by the city of Whitefish. Ptarmigan Village was changed to an R-2 zoning instead of resort/residential zoning. He urged the board to hold off on a recommendation of approval until these concerns were addressed. A suggestion was made for the board to encourage the County Commissioners to look into some types of character based zoning on the corridors. He felt the tax payers were best served by governments who worked together on important issues and were not at odds with one another. Lastly, he thanked the board for their time.

Steve Lorch, of the Montana Department of Natural Resources (DNRC) located at 2250 US Hwy 93 in Kalispell, gave a brief history of his job with the DNRC and spoke about his concern over notification. He learned of the zoning effort two days prior when he read the local newspaper. Right now, notification to the DNRC is being sent to Helena and the local offices do not see the letters. DNRC has worked on the problem. He is concerned his department didn't have the opportunity to take a good, close look at the proposal. He spoke about the criteria for zoning. The 1996 plan was used when the zoning was created by Flathead County.

There was no mention of the Whitefish Neighborhood Plan. The 1300 acres of trust land, which are looked after by the DNRC, are in the Whitefish area and do not appear to have been considered. He talked about where the state trust lands are located. He pointed on the map where the unzoned areas and the state trust lands are and is concerned with are in the proposed zoning. He wanted an opportunity to look at those properties closer and see why they were zoned the way they were. He asked the board to look at the 3<sup>rd</sup> criteria for zoning; creating zoning with the closest use does not fit with the application of land criteria. The DNRC does not request a zoning designation which would fall in the higher density zoning that would require city services. He explained the DRNC definition of trust land. He hoped there would be an opportunity to take a closer look at the plan to address concerns for the public.

**PUBLIC  
COMMENT**

Denise Smith, executive director of the Flathead Business and Industry Association (FBIA) located at 1103 South Main in Kalispell, thanked the board for their service and also thanked staff for their work to keep comparable zoning in the Whitefish area. In her opinion, there are two things that needed to occur for the county to take over jurisdiction. First, the county must adopt a growth policy and adopt zoning for the area. Second, the board must listen to the landowners in the proposed area, and not get concerned about lawsuits. She encouraged the board to listen to business owners at the corner of Hwy 40 and Dillon. FBIA conducted a poll of landowners in the affected area and 90% (*of over a thousand respondents*) want to be under county jurisdiction.

Scott Wagner, 1159 Rocky Mountain Trail in Kalispell, said he owns 751 Lexand Trail in Whitefish. He thanked the county for taking steps to control the donut area. He felt his concerns were thrown out the window as a property owner in the 'donut area' when it was under control of Whitefish. He is in favor of what the county proposed.

Reggie McMurdo, 2475 Hwy 93 West in Whitefish, was frustrated in his dealings with the city of Whitefish. He wanted to develop his land, which is what the vast majority of landowners in the area have done. He urged the board to reconsider the zoning in his area from 2.5 acres down to 1 acre. He pointed out on the map where his property was located.

Jerry Hanson, 528 Ramsey Ave. in Whitefish, pointed on the map the location of his property in the Ramsey neighborhood. He gave the history of the zoning of the property. For the past 26 years he has had WR-2 single family zoning; now he has the same zoning as the Land Mountain Subdivision, which was a totally different character than what he's zoned right now. The Land Mountain area is now zoned suburban residential. The Ramsey neighborhood was deemed urban residential. He looked at the five criteria, upon which the zoning plan was based, and concurred with most of it. The zone changes on his property became more restrictive and there was a loss of value on the property in his opinion. There was city water and city sewer on the property. He believed there should be an added sixth criterion to avoid the creation of non-conforming conflicts due to rezoning. The proposed zoning for the Ramsey area made the area non-conforming. They don't want to be forced to annex into the city to maintain the same level of zoning they have today. He believed there was a gross taking of value of his property. He believed it should be zoned R-4 to be comparable.

Duncan Scott 272 Lakeshore Drive, read part of Whitefish's pleading in the lawsuit against the county. He feels Whitefish has an arrogant attitude and no concern for the people it regulates. Whitefish held no discussion of private property owner's rights, and exhibited a complete lack of respect for Flathead County and the views of the board. There was no concern for the people in the 'donut' area who could not vote for the people who made the decisions which affected their property. The county has followed a well-reasoned, measured way to take back control of the area. He believes most property owners want the county to have jurisdiction over their area.

Collin Sellwood, 3930 Hwy 40 in Columbia Falls, wanted the properties on the corner of Hwy 40 and Dillon Rd recognized as commercial use. His property has been in commercial usage for the last 15 years. Whitefish passed the first reading to have the properties declared as a business center. He asked this reading be taken into consideration when zoning the area.

Porter Gifford, 1143 Meadowlark Lane in Whitefish, stated his Whitefish Mountain property was currently unzoned and he was concerned with the description of the proposed zoning. He was in favor of what was going on tonight but said new zoning on unzoned land was proceeding way too fast. He suggested the

process be approved, but new zoning on unzoned land be tabled until control is taken by county.

Cross asked if his area was served by Big Mountain Water and Sewer.

Grieve asked if Gifford would point to the area in question.

Otto Ratz pointed out his property on the map and had a dilemma over the change of zoning. He has three sons who each want a piece of his property, but do not want to move on to it. He cannot divide the property and keep two acres for himself. He is concerned he won't be able to divide the property into less than 10 acres.

Cross said even if he subdivides, the subdivision would still be subject to zoning qualifications.

Ratz wondered what could be done to help with this problem.

Cross said he can apply for rezoning when it's under county jurisdiction.

Ratz said he went through this with Whitefish and was frustrated with the procedures to accomplish what he wanted to do.

Ben Kaven, 2130 Houston Drive in Whitefish, questioned why this takeover was moving so fast; the Montana Supreme Court hasn't ruled yet. He believes this is all premature, and asked what harm there is on waiting to hear what happens. He outlined other possibilities which could happen besides a ruling in favor of Whitefish or the county.

Paul McKenzie, of Stoltze Land and Lumber, talked about the correction of a long-standing mapping error of 20 acres of Stoltze Land and the opportunity to take care of the zoning and mapping mistake.

Cross asked if there was an Overall Development Plan (ODP) on the twenty acres.

Mckenzie said yes, originally.

Greg Carter endorsed the action of the county taking over zoning. He is a member of the Board of Directors of Northwest Montana



Association of Realtors (NMAR) and they have endorsed the takeover also. He is a realtor and asked the board to recommend approval.

Peter Fremont-Smith, Ptarmigan Village Property manager, 3000 Big Mountain Rd in Whitefish, represented 190 owners at Ptarmigan village. The property owners want to have input on zoning, especially since most of the owners have purchased property with the intention of renting at least part of the year; they would rely on the rental income.

Mary Frampton, 390 Hidden Valley Drive in Whitefish, bought property when it was unzoned. She said the county wanted to zone her property to SAG-10 and she received a letter which said the county considered zoning the area to a 5-acre maximum. She does not want her area zoned down to 5 acres, and stated her neighbors do not want the property zoned down either. She pointed out on map where she lived.

Dave Skinner, PO Box 1486 in Whitefish/1125 Trumble Creek Road, talked about how the proposed zoning devalues his property. He had questions about how staff determined the differences in zoning. If residents of the Whitefish area wanted Whitefish zoning, they can ask to be annexed into the city.

Tom Thomas, 1000 Point View Ranch Drive, said Whitefish had an agenda, which was control and downsizing. Whitefish went from being the fastest to the slowest growing city in Montana. He does not want the county to follow Whitefish's lead in zoning. He was concerned with the failure of the schools due to the constriction of growth in Whitefish which meant a lack of taxes and children to support the schools. When he purchased his property, which he showed on the map, it was considered unzoned. His idea was to build a horse ranch with cabins for horse owners to stay and a place for their horses. Whitefish took over zoning and zoned it down to AG-15, now down to AG-10 which does not work for his project. He was frustrated that he may have spent a lot of money building a horse ranch for nothing. He believed the county was zoning the way Whitefish wanted the areas zoned. He would like to go back to being unzoned.

Karen Reeves, 230 Missy Lane in Whitefish, wanted to say something nice about the city. Whitefish has helped a lot of people and residents were able to participate in meetings and

give their input into how they wanted things zoned. She encouraged the board to wait to see how the Supreme Court rules before they continued with the takeover of the Whitefish area. She was in the 'donut' area, never felt unrepresented and wanted to see the zoning go back to Whitefish. She appreciated the effort everyone has done so far.

Paul Bloomquist, PO Box 575 in Whitefish, one of the property owners on the corner of Hwy 40 and Dillon Road, bought the property which was unzoned in 2005. He was zoned agricultural which is a 15-acre minimum, and was now zoned SAG-10 and feels the county had not zoned the area comparable with what the city zoned. He wanted the county to visit the 2007 plan not the 1996 plan.

Brent Card, 354 Plantation Drive in Whitefish, has been happy with the rezoning process. He suggested that the affected residents wait for the process to finish and then petition to change the zoning if they wish. He doesn't feel the board rushed things; they only did what commissioners asked them to do.

Larry Campbell, 111 March Lane in Columbia Falls, lives in the 'donut' area and wants common sense used in zoning the corner of Hwy 40 and Dillon Road. The area is already established as commercial and should not be zoned as agricultural or any other designation which does not fit.

Narda Wilson 184 Midway Drive in Columbia Falls, represented clients who own property at the corner of Hwy 40 and Dillon Road. She passed out handouts and photos of the corner. She talked about the area and existing land use as well as the history of zoning of the property. She would like the planning board to designate the 31 acres at the corner as light industrial. She also has another client in the Hidden Valley area which was previously unzoned and is now designated by Whitefish as agricultural W-A. She showed a map of where her clients live and explained the surrounding acreage. She asked the board to consider 5-acre zoning in the area, not 15 acres.

Ole Netteberg, 5491 Hwy 93 S in Whitefish, explained why Wilson brought up her clients request to have Hidden Valley zoned for 5 acres. He showed where he lived in Hidden Valley and described his acreage and the fact he's surrounded on three sides of his property by 5 acres lots.

Brett Birk, 2302 Hwy 2 East in Kalispell, is in favor of the SAG-5 zoning in the Hidden Valley section and does not want the county to match the existing Whitefish zoning.

Bill Rice, 3927 Hwy 40 West in Columbia Falls, owns property on the corner of Hwy 40 and Dillon Road and thought the area needed special consideration on zoning.

Dick Zoellier, 1365 Voerman in Whitefish, felt he had his rights deprived by the city of Whitefish, but wanted the board to wait for the decision by the Supreme Court on the issue of who had jurisdiction.

Frank Sweeney, 350 Lost Coon Road in Whitefish, did not want the 1996 plan used but the 2007 growth policy used instead. In his opinion, the county could leave the corner of Hwy 40 and Dillon Road in its current zoning so it falls back to the city zoning and solves the current problem with the zoning.

Mayre Flowers, Citizens for a Better Flathead, 35 4<sup>th</sup> Street West in Kalispell, was concerned there had not been adequate public notification or process and asked the board not to pass the zone changes yet; the court needs to take action first. This whole process was a waste of tax payers' money and put property owners in legal limbo. If the board chooses to go forward, she wanted them to take several issues into account. There were seven different zoning districts where the county was planning one. She would like the original seven retained. She mentioned the criteria for zoning. She felt the county did not adequately identify the legal authority in which they were going forward in zoning. The role of the 1996 plan was questioned. She wanted the board to take the time to create a new zoning designation which would closely mimic the 15-acre zoning. She passed out handouts to the board and urged them to use the 2007 plan instead of the 1996 plan and also felt there was inadequate public review of the differences in zoning. The findings should identify the fact the 2007 plan took 2 years and include a reason why it was being ignored in favor of the 1996 plan.

Kent Frampton, 390 Hidden Valley Drive in Whitefish, pointed out where he lived on the map. He explained his neighborhood. He and his neighbors are against the lowering of the current SAG-10 in Hidden Valley to 5-acre lots.

**APPLICANT  
REBUTTAL**

None.

**STAFF  
REBUTTAL**

Cross wanted to answer some questions that were raised during public comment. There was a misinterpretation that the staff picked the zoning which was most like what residents had now. The goal of planning staff was to assign zoning most comparable in the county zoning designation to the city zoning. They tried to make as little change to the residents as possible. He asked Grieve to address the use of the 1996 plan.

Grieve said there was not a political will to use the 2007 Whitefish City-County plan. Staff needed to use a plan which had been approved by the county. Staff had access to the county approved 1996 neighborhood zoning plan which is part of the county growth policy. They did review the zoning for the trust land. They could not have used the 2007 plan without it going through the necessary steps for the county to approve it.

Cross spoke about the corner of Hwy 40 and Dillon. He asked staff if the applicants wanted to come in and apply for a zone change, once the area is under county jurisdiction, if they would they have to adopt an amendment to the 1996 plan.

Grieve said yes that is the first step.

Heim reference the previous application heard in the meeting and said the amendment would need to be similar and have followed similar steps.

Grieve said yes, all plans need to be examinable as time goes on because situations change. They do not encourage individuals to come in to change neighborhood plans to suit individual needs, but in a situation like this, where there's a will to have this area zoned as commercial, that's an appropriate use of a neighborhood planning amendment process.

Cross mentioned staff touched on the Whitefish Growth Policy which the county doesn't recognize.

Mower asked if the 2007 plan was drafted by Whitefish or adopted.

Grieve said it was written by Whitefish through a public process both within the city limits and the surrounding donut area and then adopted by Whitefish for their jurisdiction.

Cross asked if areas like the Ramsey neighborhood who have city services were to be designated R-4 which requires water and sewer.

Grieve said under zoning regulations, the zoning administrator has the authority to interpret those types of questions. There was a process they needed to go through, but seemed able to qualify for it upon first look.

Cross brought up the subdivision 1 on Big Mountain and asked why they were selected for RC-1 and if that was the most appropriate designation for what they currently have.

Grieve said the Overall Developmental Plan (*ODP*) was developed in 1992 and the Big Mountain neighborhood landowners chose to not participate or be included in the process at any point, therefore when staff went in and spot zoned, or spot unzoned, that would afford them a special use not allowed to the surrounding area. He read the RC-1 definition from the regulations. On a site visit, they did see the definition of RC-1 in use and the zoning accommodates what was in use.

Cross asked about current Whitefish WRR zoning, specifically Ptarmigan Village in regard to rental income.

Grieve said under zoning, there is a non-conforming status. In the future, if the question of compliance with zoning was brought to staff's attention, all the property owner's need to do was show a receipt of a rental prior to the county taking over zoning and the county would not bother them again about the issue of compliance.

Cross asked if the Whitefish neighborhood plan, which deals with the state trust land and trails project, generally support the SAG-10 zoning.

Grieve said according to Hagemeier, the Whitefish area trust lands plan did generally support a SAG-10 designation. If the DNRC were to contemplate a zoning map amendment, they could apply, taking into account the 1996 plan and the trust lands plan.

Cross asked if Grieve had any other comments.

Grieve wanted to address comments on notification. There are minimum statutes under Montana State law for notification and public participation, however since there is a precedent and understanding, given the level of interest in land use issues, the county goes above and beyond the statutes for notification and public participation. He wanted to point out there is only one public meeting required and that is in front of the commissioners with notification in a newspaper of record for once a week for two weeks. This hearing was an additional public hearing and there will be another one before the commissioners. Staff sent out 2,178 notices to landowners within the 'donut' which were in the affected area. The letter was brief and referenced residents to the Flathead County Planning and Zoning website as a cost saving measure. With labor, materials, and postage, it cost around \$3,000 of taxpayer money to send the notifications. The county tried to strike a balance with sending notification and referring land owners to the website.

Cross asked the timeline for going forward.

Grieve said on Jan 13, 2009, there is a public hearing in front of the commissioners. He went over various options the commissioners have concerning this issue. The decision might be made at the end of February.

Hickey-AuClaire asked if the 20 acres of Stoltze land will be corrected or if they have to go through a process to be zoned right.

Grieve recommended the board make a motion to amend the incorrect zoning on the Stoltze land of 20 acres.

**MAIN MOTION  
TO ADOPT  
F.O.F.**

Hickey-AuClaire made a motion seconded by Pitman to adopt staff report FZD 08-02 as findings-of-fact.

**BOARD  
DISCUSSION**

Cross asked Hickey-AuClaire to work on a motion concerning the 20 acres of Stoltze land.

Heim reiterated they could not allow formally unzoned areas in the current plan by the county because it would appear as spot-unzoning.

Cross explained the two committees of the board which have been working on several issues. One worked with mapping issues (Committee A), the other committee worked on administrative and regulation issues (Committee B). They had four or five meetings which were duly noticed. There was great debate on whether to zone the area or not to.

Grieve said page 12 of the staff report does contain an analysis of the three part test and how it applies. The spot zoning was one concern, the other was the fact Whitefish could zone the area since the area fell in Whitefish's 2 mile jurisdiction.

Cross mentioned it had been suggested the area at the crossroads of Hwy 40 and Dillon Road could be left unzoned and fall back under WF zoning. The main purpose was to get control over the county area where the residents had elected representatives who made the decisions for them. The decision was made that it was better for the residents to receive zoning as opposed to remaining unzoned, even if they did not like the designation, then apply for rezoning at a later date.

**SUBSIDIARY  
MOTION TO  
ADD F.O.F. #5**

Hickey-AuClaire made a motion seconded by Pitman to add finding of fact #5 as follows: *The 2003 Big Mountain West Overall Development Plan omitted 20 acres that was to be zoned BR-4 owned by F. H. Stoltze. The legal description is described as Tract 5A in Government Lot 2, The SW1/4NE1/4of Section 3, Township31N, Range 22W. It is requested that this parcel be included in the Big Mountain West ODP and the GIS map corrected.*

**ROLL CALL TO  
ADD F.O.F. #5**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

DeKort asked for clarification on finding #1.

Mower asked if an additional finding-of-fact was needed concerning the corner of Hwy 40 and Dillon Road.

**SUBSIDIARY  
MOTION  
TO ADD F.O.F.  
#6**

Mower made a motion seconded by Toavs to add finding-of-fact #6 to read: *Considerable planning and effort and went into creating a commercial area at the intersection of Hwy 40 and Dillon Road in Whitefish before the inter-local agreement was voided.*

**ROLL CALL  
TO ADD F.O.F.  
#6**

On a roll call vote, the motion passed unanimously.

**ROLL CALL TO  
ADOPT F.O.F.  
AS AMENDED**

On a roll call vote, the motion passed unanimously.

**MOTION TO  
RECOMMEND  
APPROVAL**

Hickey-AuClaire made a motion seconded by Heim to adopt Staff Report FZD 08-02 and recommend approval to the Board of County Commissioners.

**ROLL CALL TO  
RECOMMEND  
APPROVAL**

On a roll call vote, the motion passed unanimously.

**OLD BUSINESS**

Cross commended Dziza for his years of service to the Planning Board.

**NEW BUSINESS**

Grieve reminded the board of the board orientation workshop.

Mary Sevier stated the board now had new subdivision regulations which are effective in January and zoning regulations which are updated. All members should have a notebook now for easier updating. There are a couple of meetings in January. As of now, there are no applications for February, so there will be no meeting in February unless projects on hold are taken off hold and put on the agenda.

**ADJOURNMENT**

The meeting was adjourned at approximately 10:15 pm. on a motion by Pitman, seconded by Mower. The next meeting will be held at 6:00 p.m. on January 14, 2009.

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Gordon Cross, President

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Donna Valade, Recording Secretary

*APPROVED AS SUBMITTED/CORRECTED: 1/21/09*